



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO #144

November 20, 2019

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 25-B entitled:

“AN ACT to amend the environmental conservation law, in relation to enacting the bird-friendly building council act”

NOT APPROVED

This bill would establish within the Department of Environmental Conservation (DEC) a fifteen-member council charged with studying the extent to which buildings pose a risk to daytime and nighttime birds due to collisions. The study required by the bill would identify the species most affected and the council would identify products or technologies which may reduce the risk of bird collisions and identify funding sources to retrofit windows which pose a risk to birds. The new council would be authorized to adopt rules and regulations necessary to carry out their responsibilities under the act and the study required by the bill would have to be delivered within eighteen months of the bill's effective date.

The desire to prevent bird mortality from buildings is a laudable pursuit. However, having a new council within DEC re-study the impact of buildings on bird mortality will not advance the state of science in this field. In this respect, it would require DEC, at great expense, to confirm what experts in the field have already established.

This bill does not address the resources that would be necessary to complete a study of this scope. The study imagined in the bill was not limited to one type of building or one area of the state, and the need to review products and technologies to reduce bird mortality would require expertise not currently available within DEC. Since the costs associated with this bill were not addressed by the Legislature, DEC would be expected to bear the cost of setting up the council and completing the study within currently budgeted resources. Given the potential costs involved, this bill would be more appropriately addressed during negotiation of the state budget.

This bill is also problematic because it purports to give a council of appointed members the authority to promulgate rules and regulations. Since the study required by the bill would be produced within eighteen months, it is wholly unnecessary to provide a council made up of private citizens the right to promulgate, and presumably enforce, rules and regulations.

The bill is disapproved.

A handwritten signature in black ink, appearing to read 'Andrew Cuomo', written in a cursive style.